

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ROBERTO MIRANDA ZAMARRON,)

Petitioner,)

vs.)

STATE OF NEVADA, *et al.*,)

Respondents.)

Case No.3:10-CV-00094-ECR-VPC

ORDER

The Motion to Dismiss, filed by respondents on May 12, 2010 remains pending. As previously occurred, petitioner has informed the Court via letter that he has not yet received a copy of the motion to dismiss or its exhibits (ECF No. 27), despite respondents having filed a Certificate of Service showing that the motion and exhibits had been mailed to petitioner at the proper address with reference to petitioner's NDOC identifying number (his back number) on December 16, 2010. (ECF No. 26.)

These circumstances present the Court with a quandary as to what the truth of the matter may be. Thus, respondents shall be required to provide this Court with evidence of the receipt at the prison and delivery to petitioner of the motion and exhibits that were certified to have been mailed on December 16, 2010. This evidence shall include a copy of the Lovelock Correctional Center Mail Log which shows that petitioner received the items and when, along with an affidavit of the prison official who delivered that mail into petitioner's possession. Respondents may also present such arguments or other response to the petitioner's letter as they may see fit in order to establish the facts surrounding this mystery.

Edward C. Reed.
UNITED STATES DISTRICT JUDGE

¹ The Court acknowledges the possibility that petitioner is unaware of the name and address of the attorney representing respondents because of his apparent inability to receive mail sent to him by counsel. Which circumstance would render it impossible for petitioner to provide a copy of his correspondent to the Court to that individual. Such circumstance shall be remedied by this Order.